Some Few

QUESTIONS

CONCERNING THE

OATH

OF

ALLEGIANCE,

Propos'd by a Catholick Gentleman
In a LETTER to a Person of
Learning and Honour.

MATH. VII. VII.
Quærite & Invenietis.

Printed in the Year, 1661.

To the Reader.

A Thousand to one now you'l be inquiring, who is the Author? Pardon me, if I frankly answer, what need you care? Judge of the Venison, and never trouble your self with asking whence it comes. 'Tis a short Book, though a long Letter; and when you have perus'd a period or two, if you like it, you may read on; if not, lay it down, and betake your self to some better busines: only oblige me with this favour, if you allow not what I have done; teach me what I should have done. This is my case.

Me thought I saw the truth hang clearly on my side, while I consider'd only the weights which each hand laid in the ballance; but the Number of those who strove by plain force to pull down the Other, a little mov'd, I confesse, and shak'd my Scale: yet I easily recover'd my former steddinesse, when I reflected on the Moment one solid Reason has, compar'd to a multitude even of the gravest Opiners: But then they shrewdly heav'd at me again; Why should not the Many be presum'd to have Reason, as well as the Few? against which, thus much, at least, I had to say, and perhaps somewhat more to think; That since either too strong an Interest, or too weak a Courage, or too slight an Examination, may justly be suspected as the general cause of spreading that Opinion, I hop'd my inferiournesse in number would not be able to work me any great prejudice with those who fairly compar'd my advantages in other respects; especially if we remember the diligences perpetually us'd for improvement of Ecclesiastical Prerogatives; by advancing still favourable Tenets, and prohibiting the contrary; while the good Lay-Princes seldome provide so carefully for themselves; and where they do, such tender Doctrines grow very slowly, and if they chance to take a little, yet, for want of depth, soon wither away.

Nor is my Party so few as not to be considerable: If three or four Doctors, nay perhaps One, who has well studied the Point, can make an Opinion safe; What may we say where a greater

number of whole Universities engage their Judgements? Universities equal to the best in Europe, *who on purpose studyed and disputed the Question, and having seriously ponder'd both what Popes had done, and Councils had defin'd, and all kind of Authors had written, at last unanimously concluded and decreed what this following* Letter *intends to represent.*

When I was thus by Reason and Authority satisfied in my own mind, still there remain'd a Scruple to publish it; for though I suppose my self secure of a Truth, what have I to do, being a private Man, to tell it to others; especially Those who are infinitely more competent Judges than I? But as again I beg your Counsel, let me again tell you my condition; I observ'd, that most of the Persons, from whom we might expect such discourses, were either diverted by other imployments, or for particular considerations unwilling to meddle with This: On the other side I consider'd how excellent a Charity it were to be the occasion of setling clearly so important a Doctrine, that we might hang no longer between Heaven and Earth, God *and* Cesar, *sustain'd only by the slippery running-knot of* Probability, *which will be fast or loose, as the Casuist pleases, especially if the Writers endeavours should be blest with so happy successe, as to give the least contribution towards the attainment of a more condescending Form of Oath; wherein, the* manner *of expression being a little chang'd, every syllable of the* Substance *might entirely be retain'd; many of the better-temper'd Refusers being observ'd to scruple more at some Phrase, than at any Thing in the Oath.*

This strongly carryed me to wish the Work done; but my own unqualifiednesse extremely discourag'd me from doing it: At last, seeing my Independence on any (as to particular expectations) was a Circumstance very suitable to such an undertaking, and in very few to be found, my thoughts weary of strugling one with another, sat down and rested, upon this Conclusion, That to propose my Sense by way of Quæres *could not be esteem'd presumptuous, since every fool has wit enough to ask Questions, and I have left for others, the Wise man's part, to answer them.*

THE

THE OATH OF ALLEGIANCE.

I A. B. *Do truly and ſincerely Acknowledge, Profeſs, Teſtify, and Declare in my Conſcience, before God, and the World, That our Soveraign Lord King* CHARLES *is lawful and rightful King of this Realm, and of all other his Majeſties Dominions and Countries; And that the Pope, neither of himſelf, nor by any Authority of the Church or See of* Rome, *or by any other means, with any other, hath any Power or Authority to depoſe the King, or to diſpoſe of any of his Majeſties Kingdomes or Dominions, or to diſcharge any of his Subjects of their Allegiance and Obedience to his Majeſty, or to give licence or leave to any of them to bear Arms, raiſe Tumults, or to offer any violence or hurt to his Majeſties Perſon, State, or Government, or to any of his Majeſties Subjects, within his Majeſties Dominions.*

Alſo I do Swear from my heart, that notwithſtanding any Declaration, or ſentence of Excomunication, or Deprivation made or granted, or to be made or granted, by the Pope, or his Succeſſors, or by any Authority derived, or pretended to be derived from him, or his See, againſt the ſaid King, his Heires, or Succeſſors, or any Abſolution of the ſaid Subjects from their Obedience, I will bear Faith and true Allegiance to his

Majeſty, his Heires and Succeſſors, and him and them will defend to the uttermoſt of my power, againſt all Conſpiracies and Attempts whatſoever, which ſhall be made againſt his, or their Perſons, their Crown, and Dignity, by reaſon or colour of any ſuch Sentence, or Declaration, or otherwiſe; And will do my beſt endeavour to diſcloſe, and make known unto his Majeſty, his Heires and Succeſſors, all Treaſons, and Traiterous Conſpiracies, which I ſhall know or hear of, to be againſt him, or any of them.

And I do further ſwear, that I do from my heart abhorre, deteſt and abjure, as Impious and Hæretical, this damnable Doctrine, and Poſition; That Princes which be Excomunicated, or Deprived by the Pope, may be depoſed, or murthered by their Subjects, or any other whatſoever.

And I do believe, and in my Conſcience am reſolved, that neither the Pope, nor any Perſon whatſoever, hath power to abſolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully miniſtred unto me, and do renounce all Pardons and Diſpenſations to the contrary. And all theſe things I do plainly and ſincerely Acknowledge and Swear, according to theſe expreſs words by me ſpoken, and according to the plain, and common Senſe, and underſtanding of the ſame words, without any Equivocation, or Mental Evaſion, or ſecret Reſervation whatſoever.

And I do make this Recognition, and Acknowledgment, heartily, willingly, and truly, upon the true Faith of a Chriſtian. So help me God.

THE

THE LETTER.

SIR,

AS your Civility has taught me, I may have any thing of you for asking, so my own Experience teaches me, nothing is more easy than to ask; Unless it be, to doubt, or to be ignorant; two qualities so common, and so little implying any conceit of sufficiency in their Owner, that I hope you will neither accuse me of Presumption, while I only seek what I profess not to know; nor of Imprudence, while I seek where I know I am most like to find. Your peircing Eye has both read what others say, and penetrated what they maintain; Your generous mind neither hopes nor fears can corrupt; and, if they could, your happy Condition secures you from both: To you therefore I confidently come, and without any farther Compliments, which you are too wise to expect, and I too uncourtly to give, I humbly desire your free and speedy judgment, in these few Seasonable and Important *Questions*.

Some say the Pope, by direct and immediate sentence, can depose Princes; Others, he can only Excommunicate directly, and depose by Consequence. Some say, he can depose only Princes Subject to the Church; Others, Infidels too. Some say, he has power to do this only in order to Spirituals; Others, absolutely without that Restriction. Some say, the Crime must be Heresy, or Apostacy; Others extend his Jurisdiction to more, and even all Cases. And there are who say, He cannot depose at all, neither any of these ways, nor for any of these Persons, nor for any of these Causes.

In favour of which last Position (not to speak of particular Authors) 'twas my fortune lately to meet with a Censure of the *Faculty* of *Paris*, and some publick and solemn Decrees made by that, and divers other Universities of *France*; Of which, the better to entitle my self to beg your Judgment, I here send you a short Extract; On purpose omitting the French King and Parliaments Prohibition and Arrests, as Lay-arguments, of little, and perhaps too little weight, with some that dispute this point.

A

A *Decree* of the Universsity of *Paris*, made by the Rector, Deans, Proctors, and Batchelers of the said Universsity, in a General Assembly had on the 20*th.* of *April* 1626. at the *Mathurins*.

IT having been represented by the Rector, that the sacred Faculty of Theology, moved as well by their ardent zeal and fidelity towards the Church, his most Christian Majesty, and his Kingdomes; as also by the true and perfect love which they bear to Right and Justice, and following therein the illustrious Examples left by their Predecessors in like Cases, upon mature Examination of a certain Latine book, intituled, A Treatise of Heresy, Schism, Apostacy, &c. and of the Popes power in order to the punishment of those Crimes, *Printed at* Rome, 1625. had in the 30. and 31. Chapters of Heresy, found these Propositions; That the Pope may with temporal punishments chastize Kings and Princes, despose, and deprive them of their Estates and Kingdomes, for the Crime of Heresy, and exempt their Subjects from the obedience due to them; and that this custome has been always practis'd in the Church, &c. and thereupon had by a publick, just, and legal Sentence, on the 4th. of April, Censured these Propositions of that pernicious book, and condemn'd the Doctrine therein contain'd, as New, False, Erronious, contrary to the Law of God, rendring odious the Papal Dignity, opening a gap to Schism, derogative to the Soveraign Authority of Kings, which depends on God alone, retarding the Conversion of Infidels, and heretical Princes, disturbing the publick Peace, tending to the ruine of Kingdomes, and Republicks, diverting Subjects from the obedience due to their Soveraigns, and precipitating them into Faction, Rebellion, Sedition, and even to commit Paricides on the sacred Persons of their Princes.

The Rector, Deans, Proctors, Batchelers, and whole Universsity have made this Decree; That the sacred Faculty of Theology ought highly to be commended, for having

having given a judgment so Pious, so Religious, so Wholesome, against so wicked and dangerous a Doctrine; For having so opportunely held forth to the whole Church, but especially to all France, the clear light of Antient and Orthodox Doctrine; For having so gloriously follow'd the Illustrious generosity of their Predecessors, and performed a task, not only becoming their particular Profession to defend the truth, but deserving the Imitation even of the whole University it self.

And to obstruct altogether the very entrance of this new and pernicious Doctrine, and cause all those who now are, or hereafter shall be Members of this University, or merit promotion to any Degree therein, to remember for ever to form and regulate their Opinions according to the judgment pronounced by that sacred Faculty, and keep at utmost distance from the Doctrine so justly proscrib'd, and that every one in particular may fly, detest, & abhor it, and as well in publick, as private, Combate, Confute, and Convince its falsity: They do decree, that in the next solemn Procession, as also annually in the Assembly for the Procession general, immediately after opening the Schools in the month of October, this Censure shall publickly be read by the Proctor of the University (the first business, nothing to intervene) and recorded in the Registers of each Faculty, and Nation; and that two Copies hereof, written and signed by the hand of the Clerk of the sacred Faculty of Theology, shall be kept in the Common Records of the University, and the like number be sent as soon as may be to all Superiours of Colleges, and Houses, to the end all possible care and diligence be us'd to secure all those who frequent, or reside in the said Colleges, from the corruption and poyson of this pernicious Doctrine; and that they never give way that any Person whatsoever presume to say or do any thing contrary to what has so wisely been determined and ordain'd by that sacred Faculty.

If any Doctor, Professor, Master of Arts, or Scholar resist and disobey, or go about in any sort by word or writing, on any cause or pretence whatsoever, to offer at the least attempt, or make the least opposition against this so laudable

and legal a Cenſure, let him for a note of Infamy and Ignominy be expel'd & depriv'd of his Degree, Faculty, & Rank, by a ſentence that may for ever cut off all hope of admittance.

Quintaine,

Scribe of the Univerſity.

The Cenſure of the Faculty of *Sorbonne*, dated *4th. April* 1626. I omit, becauſe recited at large in this of the Univerſity.

The like Decrees on the ſame occaſion, and againſt the ſame Doctrine (That the Pope can puniſh Kings with temporal puniſhments, depoſe them and deprive them of their Kingdomes and Eſtates, &c.) were made by theſe ſeveral Univerſities following; All which have lately been printed at *Paris* in a *Collection of divers Acts, Cenſures, and Decrees as well of the Univerſity, as of the Faculty of* Theology *of* Paris.

By the Univerſity of *Caen*, aſſembled in the Convent of S. *Francis*, 7. *May* 1626.

By the Univerſity of *Rheims*, the four Facultyes being aſſembled in the Chapel of S. *Patrice*, 18. *May* 1626.

By the Univerſity of *Tholouze*, the Rector and Profeſſors of all the Facultyes being aſſembled in S. *Thoma's* School at the *Dominicans*, 23. *May* 1626.

By the Univerſity of *Poitiers*, aſſembled at the *Dominicans*, 26. *June* 1626.

By the Univerſity of *Valence*, aſſembled in the great Hall, 14. *July* 1626.

By the Univerſity of *Bourdeaux*, aſſembled at the *Carms*, 16. *July* 1626.

By the Univerſity of *Bourges*, all the Deans and Doctors Regent of all the Faculties aſſembled by the Rector, 25. *Nov.* 1626.

[By all which the ſaid Doctrine was Condemn'd as *Falſe, Erronious, Contrary to the Word of God, Pernicious, Seditious, and Deteſtable.*

And

AND now, since so many, so famous Universities have unanimously, and solemnly, and deeply condemn'd this Position (That Popes can punish Princes temporally) and all this without constraint, voluntarily delivering their free judgments, unmenaced by their King, unconcern'd in self-preservation: The first Question wherein I intreat your assistance, is

I. *Why we, when our Laws so threatningly command, and our All is so nearly concern'd, may not safely and uncensurably profess as much as They?*

AND I beg of you a more satisfactory answer, than, that the Pope in prudence forbears the French, because their party is numerous, and learn'd, and united, and Persons of heart and courage; for (omitting to observe the advantage this very Objection offers, by confessing so great Authority against that pretended Power) I should easily secure my self with this reply, that were not their Case, in it self, at least tolerable, all those fair qualities could never justify the Popes suspending to condemn them. Their Tenets then clearly are in themselves consistent with Faith and Catholick Communion; and 'tis a Consideration meerly prudential, whether such proceedings ought to be Censur'd or no; which naturally leads me to my second *Question.*

II. *If there be reasons enow to turn the Eye of Authority quite away from seeing what whole Universities so openly avow in the face of the world; are there not enow to Connive at us, who are but a few, and act privately, and not without the excusing plea of extreme necessity?*

HERE, Your first thoughts perhaps may offer you this distinction, That in *England* 'tis requir'd to renounce the Doctrine as *Impious and Heritical*, while

the French condemn it only as *False, Erroneous, Contrary to the Word of God, Pernicious, Seditious, and Detestable.* But I appeal to your second thoughts, and ask,

III. *Are those two words,* Impious and Heretical; *so vastly different in their true and natural sense, from the other half dozen,* False, Erroneous Contrary to the word of God, Pernicious, Seditious, Detestable, *that all these six may voluntarily be affirm'd; and both those, or at least, one of them, whatever ruine attends, must necessarily be deny'd?*

IF we be oblig'd, as sure we are, to answer in the sense of our Proposers, and they mean no more by *Heretical* (as the very Principles of their Religion, besides other Arguments, sufficiently assure us) than *Erroneous, and Contrary to the word of God*; I hope this third *Question* will prove no invincible difficulty; For, is not what's Contrary to the word of God, Contrary to Faith; and what's Contrary to Faith, Heretical? Especially since among our selves we must find a larger sense for *Heretical*, than that which severely measures its conceiv'd strictest notion; We must find a sense wherein the Opinion of *Antipodes* was antiently Heretical, and the Turning of the Earth, or at least the Standing of the Sun is so now; one of which the *Qualificatori* at *Rome*, in order to *Galileo's* Condemnation, Censur'd as Absurd, False, &c. the Other, as formally Heretical; We must find a sense that may justify not only our disputing Schoolmen, who often on slighter grounds, cry out *Heresy* one against another; but the publick Censors of Books, and Qualifiers of Opinions, who every day reject many Doctrines as Heretical, without intending to divide Communion from the Mainteiners; Nay, we must find a sense that may agree with the words of the Pope himself,

in

in his Prohibitive *Brief* of this very Oath, which, he sayes, *contains many things contrary to Faith and Salvation*; and what can we imagin should be those *Many*, if the denial of his Prince-deposing power be not counted for One? yet possibly neither It, nor any of these I have mention'd are, in precise scholastic rigor, Heretical: But Use and Custome being the Rule of Speech, I cannot see it reasonable, why we alone in so Important an Occasion, should be denyed that latitude of sense, which we know is so frequently, and so justifiably allow'd to all the world.

To reconcile more clearly this difference, I conceive the common Distinction of *Material* and *Formal* Heresy very useful: According to the first sense, whatever is now Heretical, alwayes was so in its inward nature; the Decision of the Church operating only by way of Declaration of the formerly believ'd Truth, and Extension of the Obligation to new Subjects, adding perhaps expres Menaces of *Anathema*, *&c.* to obstinate Dissenters, which every one is justly presum'd to be, that submits not to the known determination of the Universal Church.

In the second sense many Tenets are not yet Heretical, which may in time become so: Even this intollerably false and flattering Position, That the Pope is *direct* Universal King over all the World, is not yet (the Church not using to interpose Her Authority, till the Decision be necessary) condemn'd as Heretical; though certainly, none that pretend to the least degree of true Loyalty, but are ready to abjure so damnible a Doctrine, as worse than Impious, worse than Heretical. 'Tis evidently therefore enough to verifie my forswearing such an error as Heretical, if in it self it be notably mischievous, without expecting till the Church can meet, and solemnly pass Her Canonical Sentence upon it.

Though this Example of so many Universities be sufficient to decide the Question, in that they renounc'd this pretended Power; and more than sufficient, to justifie us, in that they did it freely: Yet to propose an Instance agreeing, even in the point of fear too, with ours;

I shall not forbear to say there was a numerous and considerable Party in *France* (no lesse than the whole Body of the *Jesuites*) whose Judgement was known to differ from That of the Universities as much as Any, and more than most of Ours here, yet rather than expose themselves to Inconveniences, and their Interests to Danger; they publikely subscrib'd the *Sorbonne* Censures; publickly condemn'd this King-dethroning Power, as False, Erronious, contrary to the Word of God, Pernicious, Seditious, and Detestable.

How this so solemn Subscription, against what themselves had formerly held either as *altogether*, or at least as *almost* an Article of Faith, was understood at *Rome*, I know not: that it was actually done in *France*, I am confident will not be deny'd: that it was commanded, we need no other Evidence than the Arrest it self of the Parliament of *Paris*, dated 17. *Mar.* 1626. wherein 'tis Order'd *That the Priests and Scholars of* Clermont, *and of the other two Houses which the Jesuits have in* Paris, *should within three days subscribe the Censure made by the Faculty of* Sorbonne: *and within two months procure Testimonials of the like Subscription from every Provincial, and Rector, and from six of the Antients of every College of their Society in* France.

Nor can it be said, this Subscription relates only in general to *Santarellus*'s Book, since it particularly approves the whole Censure of *Sorbonne*; whereof one and the first branch is directly, and in most expresse terms, against the Popes *Power to punish Kings Temporally, to Depose, &c.* If this be true, of which I know not the least reason to doubt,

IV. ***Why is it not Lawful for English Catholicks to be Loyal to their Prince, as far as the French to Theirs? why is it not tolerable in Lay-men here to disavow, what the strictest Religious there openly condemn? Strictest, I mean, in maintaining, and extending the Popes Prerogatives, and so most per-***

pertinent to our Question: Shall Humane Motives be allow'd their place with Them who renounce the World, and not with those who live in it?

IF any shall here pretend to distinguish between a simple subscription, which only was requir'd of the French Jesuites, & a down right Oath, which is exacted of us; I cannot think but they proceed with too much scruple; since certainly no sincere and generous honesty will solemnly and deliberately attest under his hand, what he will not in due circumstances swear to be true: and indeed, for Religious Persons, who actually still reflect on the presence of God, what difference can there be, between calling Him in a form of words to witnesse what they say, especially with such Solemnity and Deliberation; and beleeving him continually in their hearts to witness not only what they say, but what they think?

And now were I demanded a reason, why so circumspect and wise a Body should act so differently in the same cause but different Countries; I could only return this conjectural Answer; that being wary and prudent persons, they could not but see the Concerns they hazarded in *France* by refusing to Subscribe, far more important, than what they ventur'd at *Rome* by Subscribing: whereas in *England*, all they can forfeit by declining the *Oath of Allegiance* (being themselves but few, and without the Engagements of Colleges and Foundations) is perhaps of lesse esteem with them, than the interest of their Universal Body at *Rome*, whence so many advantages are continually deriv'd to the rest of their Society.

When I have taken leave to suppose for True, That a *certain* general Rule, is to be observ'd, notwithstanding an Exception that's *uncertain*; I may easily hope your leave to ask this fifth Question;

V. *If*

V. *If the Precept of Obedience to Kings in Temporals be a certain Catholick Doctrine, and the Exception (unleſſe the Pope depoſe) be incertain; whether the Precept does not ſtill Oblige notwithſtanding that Exception?*

AND however ſuch a power may by ſome be held ſpeculatively probable, yet, as to any Execution, 'tis practically *no Power* at all, againſt one in poſſeſſion; and conſequently may be ab ur'd as *ſuch*: he that has only a ſpeculatively probable Commiſſion to take away my life, has none at all actually to *do* it: and every one will ſurely agree that to diſpoſſeſſe a King is of infinitely more miſchievous Conſequence than to kill a private Perſon; Witneſs the horrid miſeries that follow'd the Depoſition of *Henry* the fourth, by *Gregory* the ſeventh, the firſt Pope, and firſt Emperour that ever engag'd ſo far in that kind of quarrel; a quarrel wherein both ſides endur'd for a long time unſpeakable Calamities, both ſides ſtriving with all extremity of paſſion and fury to ruine one another.

Our Allegiance to Kings, and Their Title to our Allegiance being both, in their natures, antecedent to Baptiſm; For the relation of King and Subject is by Birth, and the quality of Chriſtian by Adoption;

VI. *How can the Superinduced ſpiritual Obligation diminiſh the Civil, when no ſuch Condition is contain'd either in Baptiſm, Catechiſm, or Articles of Faith; Eſpecially ſince we are baptiz'd into the Communion of Believers, not of Opiners?*

THIS true, both Prince & people, do by their God-fathers in Baptiſm renounce the world, the fleſh, & the devil: but neither of them make any promiſe to forfeit thei

r

their Crowns or Eſtates to the Pope, if they break their word. Nay, even Popes themſelves, in the primitive times, were temporally Subject to the Heathen Emperours both before and after their Converſion: And indeed, ſince *the Chriſtian Law*, by the Judgement of all, *deprives none of their Right*, if they were Subject before the Princes Converſion, they muſt needs continue ſo after.

Nor can I ſee (and in this every Reader is concern'd) why the Pope if once admitted to diſpenſe with Subjects Allegiance to their Prince, may not diſcharge the Tenants too from paying Rents to their Landlords, and Debters from their Obligations to their Creditors, as often as He ſhall Judge the Intereſt of Religion to require it. Nay, by the ſame reaſon, driven a ſtep or two farther; why may not every Biſhop in his Dioceſs, and every Curate in his Pariſh pretend a Right, *radically* inherent in his Dignity, to diſpoſe of all our Eſtates in Order to the good of our Souls; and that 'tis only either the hard-heartedneſs of Lay-Magiſtrates to hinder it from ſhooting forth into branches; or the Wiſdome of the Supreme Spiritual Magiſtrate to reſerve the whole fruit to Himſelf?

Already by my own reflexions I am fully ſatisfied that a Diſpenſation (ſhould any ſuch be pretended) with the *Oath* of Allegiance, would be no Diſpenſation with the *Duty* of Allegiance: The Duty being Antecedent to the Oath, and Independent of it, and only Confirm'd, not Created by it: and therefore as to this point, I find no neceſſity of giving you any trouble.

But in the next Queſtion I muſt humbly beſpeak your pardon, becauſe I fear my boldneſs may need it: 'Tis a Caſe I never have yet ſeen well examin'd, and therefore more doubtingly propoſe it.

The Graveſt Aſſertors of the Popes indirect power to depoſe Princes, warily confine Him to two Caſes; which they call *Hereſy* and *Apoſtaſy*: And, as by *Apoſtate* they muſt neceſſarily mean One that has been a Catholick, and is *quite* faln away from Chriſtianity; So ſurely by

Heretick they ſhould proportionably underſtand One that has been a Catholick, and is *in part* faln away from the Faith: This Conſideration, I confeſſe, bred in me a ſcruple, I am not able, without your help to ſatisfie: How a Proteſtant Baptiz'd into the Church of *England*, ſhould be held oblig'd to the poſitive Laws of another Church; to which, neither himſelf, nor his God-fathers, promis'd any Obedience: his Baptiſm indeed confers Grace, and adopts him into the State of Salvation; but why ſhould he be counted ſubject to the Government of a Communion quite oppoſite to That into which he is Baptiz'd? does a Proteſtant commit a Mortal Sin every time he eats Fleſh on a Faſting day, or omits to hear Maſſe on a Holyday, when neither Maſſe, nor perhaps that Holyday is allow'd by his Church?

We know, whoever loves God above all things, is in the State of Salvation, but not of External Communion, till he actually ſubmit to it; and me thinks it ſeems obſcure, that I ſhould be interpreted to ſubmit to the Government of a Church of ſuch a Diſcipline, by my very being Baptiz'd into a Church of a contrary one.

Beſides, Followers of thoſe who began the Diviſion are not in the ſame form of Church-Condemnation with thoſe who began it; much leſſe when they are born of ſuch Parents, and bred up in a Country where ſuch Tenets have ſo long and uncontrolledly been eſtabliſh'd, that many perhaps may hold them, without being *guilty* of holding them; Wherefore I humbly intreat your Learning to inſtruct me,

VII. *whether You have read any Authors that expreſſely ſay, a Magiſtrate ſo Circumſtantiated may be Depos'd by the Pope, eſpecially ſince I remember not one Inſtance, Ancient or Modern, of any ſuch Prince ſo treated?*

THE Examples of depoſing Princes being without any certain Rule, ſometimes by the Pope, ſometimes by the Nobility, ſometimes by the People, ſometimes

times by an Eminent Subject, ſometimes by a powerful Stranger; And the ground pretended, being ſometimes Religion, ſometimes ſome other Cauſe; give me leave to conſult your judgement,

VIII. *whether thoſe Examples may not all be reſolv'd, Either by the General Anſwer, that* Fact makes no Right; *Or, that they were practis'd without any ordinary and acknowledg'd Juriſdiction; but only by way of common Reaſon and natural Prudence, which teaches us in extremities to caſt about and relieve our ſelves, in the beſt and hopefulleſt way we can, according to our Circumſtances?*

FOr though by this Almighty Maxime of *Extreme and Lawleſſe neceſſity*, even Popes themſelves, as well as other Governors, have ſometimes been depoſed; yet I clearly believe neither Popes, nor Councils, nor Kings, nor Nobles, nor People, nor Strangers, have any Dormant Commiſſion from Heaven, that conſtitutes in any of them a Formal and Authorotative Tribunal to decide Juriſdictionally who ſhall be Pope or King.

To make this diſtinction (on which the whole controverſy chiefly depends) unmiſtakably plain and evident; let me parallel the grand Inſtances of Popes and Kings, with the litle ones of private perſons: when we ſay, as I think every Chriſtian does, that 'tis Impious and Heretical to hold, One Neighbour can take away the life of another, though he never ſo much deſerve it; in Reference to what power do we ſpeak? is it not to that kind of power which is ordinarily Created by Commiſſion? can we be fairly interpreted to mean ſome odd extravagant caſe of abſolute neceſſity to defend our own lives againſt his otherwiſe unavoidable Aſſaults? So when we ſpeak of a Power and Authority to depoſe Kings, we are plainly to underſtand a Power and Authority veſted in *St. Peter* and his Succeſſors by Commiſſion from Chriſt:

This and this only, I conceive, is the Authority we are commanded to abjure; and unleſſe ſuch a Divine Commiſſion be ſhewn, I cannot ſee why to aſſert ſuch a power in the Pope is not Impious and Heretical, as much and far more than the inſtance of private Murther: Eſpecially the *Oath* ſo particularly expreſſing its chief intent to be the excluſion of the Popes pretences, and prevention of the miſchiefs naturally apprehended from the Supreme and all-Commanding Juriſdiction of a Foreiner.

Having perus'd ſome Authors who confidently ſay, never any Orthodox Divine maintain'd this tranſcendent power in the Pope, nor ever any ſuch practices appear'd for above a thouſand years after Chriſt; though the Chriſtians long before that time had both ſtrength enough to do it, if they had had a Will; and Zeal enough to have will'd it, if they had thought it lawful: I cannot but ſuſpect this Doctrine of Novelty, till you be pleas'd to inform me,

IX. *what Eminent Writers there are, in the firſt thouſand years after Chriſt, who expreſly hold this Tenet of the Popes Authority to Depoſe Princes?*

THis I am apt to conceive ſo much the more improbable to be found; becauſe neither *S. Tho.* nor *Card. Bellarmine* cite any Antienter Authors than *Gregory* the ſeventh, whoſe Papacy is of a younger date than that we ſpeak of: Much younger yet is the Council of *Lateran*; nor can it with the leaſt colour of truth be alleg'd for any more than a Canonical Conſtitution; and perhaps not ſo much, till the difficulties concerning it be clear'd, which I leave to the Doctors, and only contend, 'tis at beſt no more; elſe the Defenders of Papal Depoſition were bound to believe its Decree in this point as an Article of Faith, and condemn the French Univerſities as Heretical, and ſeparate from their Communion: if then it be only an Eccleſiaſtical Canon, 'tis well enough known ſuch Laws are not Obliging, but where they

they are receiv'd, and where they are received, may on juſt grounds be again rejected. However, even where that Canon is admitted (if any where it be) no fair Interpreter can extend it to reach ſo high as Soveraign Princes, to whom this reſpect is generally by the Canoniſts eſteem'd due, that unleſſe They be expreſly nam'd, they are not by implication underſtood to be comprehended in any penal or reſtrictive clauſe, a Civility allow'd even to Cardinals, whom I cannot think any diſintereſſed Conſiderer will preferr before Kings.

As for reaſon, which I confeſs, where 'tis evident, needs no Antiquity to gain my aſſent; I have not met with any that bids ſo fair towards ſatisfaction, as this argument.

If the Ends be ſubordinate to one another, the Faculcyes are.

But the End of Civil Power (temporal happineſs) is ſubordinate to the End of Spiritual Power (eternal happineſs.)

Therefore the Civil Power is ſubordinate to the Spiritual.

Let all this be ſuppos'd as true (though there want not diſtinctions, by which ſome endeavour to relieve themſelves in this point too) I only enquire how this Spiritual Superiour muſt proceed, when the Temporal Magiſtrate intolerably miſdemeans himſelf; & I think He is confin'd, as his very *Name* imports, to Spiritual puniſhments, as ſuſpenſion from Sacraments, Excommunication, &c.

But that, they'l ſay is not ſufficient, nor the Church compleatly furniſh'd with means proportionate to its end, unleſs it can depoſe a Prince that deſerves it. To which, I anſwer,

Firſt. The argument is of ſo wild unlimited a Conſequence, that ſhould they inſtead of *Depoſe*, ſay *Kill*, or whatever other miſchief they pleaſe to invent, they might in Rigor with the ſame Reaſon defend it.

Secondly. Though in ſome ſence it be true, the Spiritual Power is furniſh'd with all means neceſſary to its End;

yet are we not oblig'd to ſay, it can remove all impediments, and that in what method it pleaſes; Is not the Sun compleatly endued with power to ſhine, unleſs it can level mountains, and overturn forreſts that intercept its light? or, which is nearer our Caſe, has not a King ſufficient power to govern, unleſs he can puniſh his neighbour King, nay even the Pope himſelf, and that with ſpiritual penalties? In regular and ordinary Occurrences, the regular and ordinary power both of Pope and Prince is ſufficient: in irregular and extraordinary, the very word ſignifies, they are *out of Rule*, and muſt be govern'd by occaſional reaſon, which allows both to Pope and Prince a juſt and equal title to provide, that Neither prejudice the Other; and this, without the Popes being Superiour to the Prince in Temporals, any more than the Prince is to the Pope in Spirituals; But, as abſolute Soveraigns, when there's no other remedy, may lawfully make war; ſo I conceive may theſe (each managing his proper weapon) and pretend only Reaſon, not Juriſdiction to juſtify their proceedings.

Thirdly, I ſuſpect, this plauſible argument (the ſpiritual power is furniſh'd with all means neceſſary to its end) may ſo largely be underſtood, that it will flatly be deny'd; for, is not Execution of the Magiſtrates Commands, neceſſary to the end of Government? and is not a competent Force neceſſary to that Execution? why then did our all-foreſeeing *Saviour* not provide for this? why did he not furniſh his Supreme Lieutenant with twelve Legions of Angels, to overcome the Princes of the Earth, that will not obey his Decrees? As to this, I know no better reaſon, than that the Churches Hymn is true,

Non eripit Mortalia,
Qui Regna dat Cæleſtia.

He does not Earthly Kings deprive,
Who came the Crown of Heaven to give.

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Beſides, may we not as well ſay, the Church is furniſh'd by *Chriſt* with all Offices (at leaſt all conſiderable Ones) as with all Power neceſſary to its Government? yet every one knows neither Patriarks, Primates, nor Arch-Biſhops are of divine Inſtitution, however their very being ſo canonically eſtabliſh'd in the Church, ſufficiently declares their uſefulneſs and neceſſity; and their being no otherwiſe eſtabliſh'd, ſufficiently convinces the weakneſſe of the argument I am endeavouring to diſable.

If my expectations happen to fail in all theſe Queſtions, permit me yet to offer this ſhort Conſideration. The Poſition we are commanded to renounce as *Impious*, and *Heretical*, is this,

Princes, who are Excommunicated, or Depriv'd by the Pope, may be depos'd or murther'd by their Subjects, or any other whatſoever.

Since 'tis clear, that where the *Subject* of a Propoſition is in the diſjunctive, unleſs the *Predicate* be verefiable of both Members, the whole Propoſition may abſolutely be deny'd; it plainly follows, if to ſay a Prince Excommunicated only (not depriv'd) may be depos'd by his Subjects, be Impious and Heretical, at leaſt in the large and uſual ſenſe of that word, that the whole Propoſition is ſafely abjurable, as Impious and Heretical. In which diſcourſe, this only ſeems to need proof, that 'tis Heretical to ſay, a Prince Excommunicated may be depos'd by his Subjects. And firſt, I hope, it will quickly appear to be *Falſe*, by the very definition of *Excommunication*; Excommunication being *a Church-Cenſure, that ſeparates from the Eccleſiaſtical Communion of the Faithful.* And though by a general rule we are commanded to avoid all Hereticks, and Excommunicated Perſons, yet (beſides that, of it ſelf it reaches only to ſpiritual things, unleſs the Civil Law extend it farther) the Canoniſts give many exceprions, one is (which nearlieſt concerns our Caſe) that of Relation; ſhall Husbands and Wives, Parents and Children, Maſters and Ser-

Servants, be bound in case of Excommunication to abandon one another? what Confusion would so rash a Doctrine bring into the world? and is it not far worse, if Subjects shall think it lawful to forsake their King, nay unlawful not to forsake him?

Thus I conceive 'tis evidently False; and if once admitted for *such*, its own weight will soon sink it down into Impious. And what is Impious, especially drawing after it such mischievous effects, will easily be prov'd against the very Essence of the Christian Law, and by Consequence intrinsecally Heretical. If yet you think, this opinion not so *highly* censurable, I beseech you inform me,

X. *Whether any of these Positions deserve the Condemnation of Heretical? That the Pope has a* direct *Dominion, both in Spirituals and Temporals, over all the World: Or that He can deprive Kings of their lives, and pass sentence of death against them: Or against the lives or goods of any other Person? that is, whether He can make it lawful to do those Acts, which, were they not Authoriz'd by him, would be plain Murther, Theft, or Rebellion?*

ALL these, every one I meet is ready to cry out on, as *Impious*, *Hereticial*, and what you will; And is the Deposing a King a slighter work, than the Sequestring a private Gentleman? Or has he a weaker Title to his Crown, than a Merchant to his Shop? Either I am deceiv'd by some Equivocation, which I intreat you to discover, or else the Question I propose is as clear as the Sun at Noon.

'Tis true some Cases are mixt, but then me thinks it is not so hard a task to give each Authority its due; Can we not easily discern, what belongs to Marriage as

a Sacrament, from what belongs to it, as a Civil Contract? Or distinguish between the Churches power to make a Bastard incapable of Orders, and that of the Common-wealth, to make him incapable of Inheriting? Nor has the Question any greater difficulty, when the Tribunals *Successively* assist one another, as when the Ecclesiastics, having proceeded to the utmost of their Jurisdiction, deliver the Criminal to the Lay Court, there to receive such further punishment, as his Crime deserves, which they could not have needed, had their own power reach'd so far, nor would they have practis'd, had they not needed it.

To conclude this point, with some Authority as well as Reason; I have read, that not only the Position of killing Kings was condemn'd as *Impious*, *Heretical*, and *Damnable*, by 141. Divines of the *Faculty of* Paris, in the year 1413. But since, in the year 1610. the same *Faculty* Decreed, *That it was Seditious, Impious, and Heretical, for any Subject, Vassal, or Stranger, on what occasion or pretence soever*, Sacris Regum personis vim inferre, *to offer violence to the sacred persons of Kings.* Behold the very word *Heretical*, directly and formally applyed to a Position that in substance exceeds not Ours, unless we imagine a King so tame, that we may Depose him without offering him any Violence: or find some witty Casuist, who has invented a new way of creeping out of the words (no matter for the plain and honest sense) and by his grave Opinion, secure our Consciences, that though it be Impious indeed and Heretical, to offer any force to the sacred Persons of Kings, yet to intercept their meat till they be starv'd to death (as 'tis said of one of the Kings of *Denmark*) is absolutely lawful, as being an *omitted Case*, and so not at all forbidden.

Observing that in this whole Controversy, the main Bulwark wherein the Defenders of the Popes Prerogative in Temporals, fortifie themselves, and think to pacify the Civil Powers, is a certain famous Distinction, whose plain and literal sense I understand well enough, but can-

not find in it, if impartially examin'd, a title to make so great an Impression as is pretended; I humbly intreat your quick and strong Eye, to look a little seriously into the Question, and teach me,

XI. *what difference there is, as to any real effect in Government, between acknowledging a direct immediate Power in the Pope to Depose Princes, or only an indirect and mediate One?*

IS it not almost all one in it self, and altogether all one in mischief, whether my eyes be beaten out with a direct stroke of a Tennis-Ball, or by *Bricol*? Are not our Laws still equally Penal both to direct and indirect Offenders? will any of us allow a slandering tongue (than which nothing is more frequent, or more intolerable) to Caluminate freely, on condition his poysonous darts come only *glancing*, and not be level'd point-blank against us?

Here they perhaps will say, I mistake the Case; For, were only the *Exercise* of this Power mediate and indirect, they would confesse my similitudes had something of Argument, but the very *Power* it self say they, is in its *Intrinsick nature* no more than mediate and indirect, which widens much the sides of the distinction, nor do any of my Interrogations offer to confute it.

When I have first declar'd, I intend not to meddle with such slender Entityes as *Relations* metaphysically consider'd; I shall betake my thoughts to what I conceive more pertinent to our purpose, the *Moral* Notion; and enquire what influence on humane actions a direct Power gives its Possessor, more than an indirect? If they answer, by the one He can punish his Inferiours, as he pleases, by the other not: I reply, That is the notion of an absolute and perfectly arbitrary Government, not precisely of a direct Power, which not only may sometimes be limited, but almost always is; has not the Emperour a direct

direct Authority over the German Electors? Is not the Pope direct Superiour of the Christian Bishops? yet which of them can, either One or the Other, deprive or punish at his meer pleasure? I they say, 'tis a Power as strongly Commanding as the direct, but is not in the same line, the spiritual being of a quite different Order from the Temporal; I confesse these are pretty terms to entertain subtile heads, and amuze simple ones; but to a down-right prudent Examiner, I believe they'l prove of very little serious Signification, nay though the Causes be contrary to one anothers, if they produce the same effect, they make with me the same argument. Naturalists say, that Cold immediately condenses by directly crushing the Body it incloses: whereas Heat first extenuates, and then draws away the subtiliz'd parts, and after the grosser shrink together of themselves, and so condenses too, but mediately and indirectly; and these are words that sound well enough; but when we come to practical application, and find that too much Sun, as well as Frost, so dryes and hardens the Earth, that it choaks our seed, and kills our flowers, what good does our fine distinction? what does our *Mediately* and *Indirectly* avail us?

Nor is the Effect only the same, whether the Popes power be call'd direct or indirect, since each way he really dethrones the Prince; but the end to both of his direct-Spiritual, and indirect-Temporal Authority is the same since He is bound to manage the last only, *in ordine ad Spiritualia*, and the first, *ad Edificationem*; which two phrases seem to me no ill Synonimas one of another. These are some of the reflections that have made me doubt, though there may be (and I think I see it) some Speculative difference between the two manners of Title, yet in practise very little, if any at all.

When all this is said, and far more, (which I think not uneasy to do) still there remain two grand Objections: The Supreme Pastor has engag'd his Authority; and our duty obliges us to obey His Commands: Our Predeces-

ſors have refus'd the Oath, and ſuffer'd for refuſing; and our honour is concern'd to follow their ſteps. To which, with your permiſſion, I offer this anſwer.

Since by the Popes forbearing the French, we evidently ſee ſuch Prohibitions depend on particular and occaſional Conſiderations, not only lyable to be miſapprehended by others, but to be alter'd in themſelves; certainly it very ill becomes our Reverence to the Authority of the Pope, or reſpect to the Memory of our Anceſtors, to fear they would wilfully perſiſt in a diſcover'd Errour, and not change their proceedings, when they ſhould ſee the grounds on which they proceeded were chang'd.

Nor even then when the Pope's *Brief* forbad the Oath, did there want a juſt number of Catholicks, if my books ſay true, who humbly repreſented their Motives to his Holineſſe, why they doubted his Prohibition was not obliging, as being grounded on miſtaken and incertain Suppoſitions: A privilege permitted to all, and moſt of all to Eccleſiaſtical Subjects (who are not Govern'd by the Sword, but the Paſtoral Staff) either to obey or give good reaſon why they do not: and this, without the leaſt ſuſpition of boldly examining their Superiors Commands with the Judgement of Authority, but exerciſing only, what the meaneſt Vaſſal may Loyally practiſe towards the greateſt Prince, their natural Reaſon and Judgement of Diſcretion.

And here I muſt confeſſe my ſelf inclin'd to think it very probable, that the whole buſineſſe was untruly repreſented to the Pope: for, can we doubt but *Card. Bellarmine* was acquainted with the Informations given to his Holyneſſe? or, that they Both agreed not in their ſence concerning our Caſe? let us then ſee what his Eminence ſays in his Letter to *Mr. Blackwell*, Arch-Prieſt of the Engliſh Clergy; where, having alleg'd that Antient Inſtance of mingling together the Images of the Emperors, and of the falſe Gods, to entangle the Chriſtians with this *Dilemma*, that either they muſt bow to *Jupiter*, and Commit Idolatry; or not bow to *Ceſar*, and be guil-

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ty of high Treason, He ads, *Tale aliquid in juramento*, &c. *Some such thing me thinks I see in this Oath they offer you, which is so fraudulently contriv'd, that none can profess their Civil Subjection to the King and Detest all Treason against Him, but he must needs perfidiously Renounce the Supremacy of the See Apostolick.* And again, *Nam si rem totam*, &c. *If you will diligently examine the whole matter, you'l see 'tis no small thing which by that Oath is brought into danger, but one of the Capital and Fundamental Points of our Faith and Catholick Religion*; And quite throughout the whole Letter He still supposes the Design of the Framers of this Oath, how covertly soever they expresse themselves to be; *That the Authority of Head of the Church be transferr'd* (*as to* England) *from the Successor of St.* Peter, *to the Successor of* Henry *the* 8. Which still so much the more evidently appears, both by his Quoting Fathers upon the general head of obeying the Pope, and acknowledging his Supremacy, as also by his comparing *Mr. Blackwells* Sin in taking the Oath, to *Peters* denying Christ, and *Marcellinus*'s Sacrificing to Idols; whom at least in some part, He says, the Arch-Priest imitated. Does this Pen run as if it were guided by a Hand well inform'd? Is it not highly probable that such Informations were the grounds of the Prohibition? Is it not absolutely certain, that such grounds, being palpable mistakes, are no way sufficient to oblige our Obedience.

Not that we have cause so much to complain of the *Brief*, as of them whose Passionate, and perhaps Factious Zeal procur'd it: for how can the Pope be inform'd what we *Tramontani* do, but by others? and how can He Judge, but as he is inform'd? since surely we are not to expect such an extraordinary assistance from Heaven to guide his Hand in writing a Letter, though *in Form of Brief*, as some pretend for his defining *ex Cathedrâ*. Read but the *Bulla Cœnæ*, and you'l find it no impossible thing for the Pope to claim more, than a good Subject, much lesse a wise King will give him: there he solemnly ex-

communicates all Princes, who impose on their Subjects new *Gabels* without leave of the See Apostolick: with many other unallow'd pretences. From all which we infer these two plain truths, That the Pope may miscommand; and when he does so, be lawfully disobey'd.

But to proceed ingenuously with you, as I hope and beg you will do with me; let us fortify this Objection with the utmost skill and strength we can: This Act of Deposing Kings has not only been done by Popes, but approv'd by Councils; to whose joint-Authority I confesse a great Reverence is due, and therefore beseech you deal candidly with me, (for I have no any convenience to examine the circumstances of these Histories) did they only approve the Fact; or declare the Right? if the first, I shall without staying to dispute it, suppose the thing, for that time, well done; and only enquire, in reference to what Authority 'twas done: our *Henry* the 7. we know did many Acts without declaring the Title by which he did them; and the Parliaments approbation still confirm'd them: if then they proceeded as by a Commission claim'd from Christ, and allow'd in a General Council, would not that make the Tenet an Article of Faith, and so prove too much, since among the Temperate it generally pretends no higher than an Opinion? but if they acted only by a Commission deriv'd from Necessity, which having no Law, is a Law to it self; the Consequence little concerns our Dispute; who know the *Pope* Himself has been depos'd; yet neither will He admit, nor need his Deposers pretend any Jurisdiction or Superiority over Him; 'tis enough where Necessity over-rules the Law, that Necessity Govern in its stead; which if true and real, may perhaps do much harm, but can do no injury.

As to the other Branch; if the Council interpos'd in declaring the Right, either they intended it as a Definition, and then you must say 'tis *of Faith*, which almost every one denyes: or as an Ecclesiastical Canon, and then I must say, it binds only where receiv'd, and may

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be alter'd or repeal'd like other Laws, as is already diſcours'd, when we cited the Council of *Lateran.*

However, in our particular Caſe, nothing is more eaſy than to Conquer the Objectors of the Popes Briefs with their own weapons, for let them tell me, are they not ready to ſwear they will faithfully ſerve their King while they live, and that *notwithſtanding any Papal Diſpenſation, or whatever other Proceeding to the contrary?* what ſignifies this, but an expreſſe renouncing all obedience to the Pope in theſe points? True ſay they, we renounce obedience, but not the acknowledgment of his Power; we will adhere to the King, though the Pope ſhould Depoſe him; but will not ſay, he cannot Depoſe him. What wiſe and real difference (as to Government, and the practical part of humane life) can we imagine between theſe two; *I'le ſwear never to obey my Commander*, and *I'le ſwear he has no power to command me?* Speak plain and honeſtly, and either deny his Authority, or obey it; this motley Hypocriſy will, I fear, offend both Pope and King, and while you diſclaim your obedience to the One, and the Authority of the Other, Neither will confide in you; Change but the Perſon, and think, what a holy religious man he would be, that ſhould ſolemnly vow never to obey his Superiour, how loud ſoever he preach'd his Authority; think what a flat contradiction it is, of two Relatives, to kill one, and keep the other alive; think what an uncharitable madneſs it is, that the whole body of Chatholicks be expos'd to ruine, and the whole Credit of their Religion be buried in that ruine, rather than diſavow an Authority, which we are ready to ſwear we will never obey.

But to diſpatch this chief Objection with a ſhorter word, and that ſtill taken out of their own mouths; The Pope they ſay has commanded we ſhould refuſe this Oath, but do they not too, with the ſame breath ſay, they will abſolutely forſwear obeying his Commands, if they be not preſt to renounce his Power? and what do we more than diſobey him, if notwithſtanding his Prohibition

tion we accept of the Oath? we meddle not with his Authority, we only (as they profess themselves ready to do) deny our Obedience; is it not as lawful for us, when the King commands, to admit this Oath against the Popes will, as for them to swear they'l obey the King, let the Pope command what he will?

As for our Ancestors, had they seen the Unanimous Judgment of so many Universities, and the publick Subscriptions of so many eminent Regulars, particularly noted for great enlargers of the Pope's power; had they examin'd the sense of Antiquity towards Soveraign Princes, which acknowledges them Supreme in Temporals, and accountable to none but God; had they read the learned Treatises compos'd by Catholick writers, both of our own and other Nations, where this King-dethroning power is absolutely disavow'd; had they perus'd the Declarations of the Kings in *France*, and Arrests of Parliaments there, by which the Authors who dar'd to assert that Opinion were Condemn'd, and their Books burnt by the hand of the Hangman; had they done all, or any notable part of this, they could not certainly but have chang'd their judgments, and no longer, both against Reason, Authority, and their own Interest, have wilfully adhered to a Tenet so ill grounded, and a practice so ruinous.

Little of all this I fear did many of our Ancestors reflect on, but guiding their Consciences by their Ghostly Fathers, and their practice by their Consciences, chose that side of the Opinion, which any one might then have refus'd without Heresy, and any one may now without scandal, without scandal I mean as to the bare Opinion consider'd in its naked self, not as it unhappily is dress up in the Oath, where some expressions, at first sight, shew so odly, that a little prejudice or unacquaintedness makes many a well meaner boggle at them; And here again I heartily renew the wish I have already made, that a general form of Oath, were so Charitably and Condescendingly fram'd, as might fully secure to our most gra-

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cious Soveraign the Allegiance of All, and not trouble with ſcruples the leſſe inſtructed Conſcience of any.

But to diſpatch this Objection: If to take the Oath we diſcourſe of be truly juſtifiable, why may not we do what we think lawful now, becauſe our Predeceſſors did not what they thought unlawful heretofore? their Refuſal was Innocent and Laudable, ſince they follow'd ſincerely the dictates of their Conſciences; yet Ours will be *neither*, unleſſe we do ſo too; nay the very reaſon that made them decline the Oath, *their being ſo perſwaded*, engages us to take it, if we be *otherwiſe* perſwaded; for, as in this all the world agrees, that an erronious Conſcience, till the miſtake be remov'd, undoubtedly obliges; ſo none will deny, but, the Truth once clear'd, the Obligation ceaſes: if ſuch then be the caſe between our Predeceſſors and Us, we may fairly be abſolv'd from following them, or rather truly be ſaid to follow them, while we all aim at the ſame end (the Conſcionable performance of what we believe our Duty) though we ſeem to go thither by different ways: None but eternal truths can exact an unchangeable adherence; none but they can deſerve it.

And now I have only one Queſtion more to propoſe,

XII. *How do the Clergy, the Religious, & the Wiſer ſort of the Laity in other Countries behave themſelves, when the Pope makes War, or any other way Contends with their Soveraign Princes or States?*

FOr even in *Italy*, I ſee moſt of them generally, and all of them ſometimes, diſobey the Pope, and cleave to their Country; nay thoſe very Religious who have formerly ventur'd All by a particular Obedience to his Holineſſe, are noted of late to be grown more temperate: I have read, if I miſremember not, in an Italian Author this Story, That the Pope making War ſome few years ſince, with the Duke of *Parma*, and proceed-

ing against him to the extremity of Ecclesiastical Censures, occasion'd the Duke to advise with his Council, how he should bear himself towards the Church-men that liv'd in his Subjection; where after some debate, 'twas at length concluded, that fit persons should immediately be deputed to demand of every Order both Secular and Regular, which party they intended to follow? onely to one sort of Regulars it 'twas expresly forbidden to make any such Addresse, lest their extraordinary obsequiousnesse to the Pope might engage them otherwise than the Duke desir'd, and the example of their Nonconformity breed a prejudice to his affairs: But they, wisely examining the Consequences of so new a Distinction, and the Necessity of preventing so dangerous a jealousy, did of themselves, without expecting any Summons, wait upon their Prince, and voluntarily presented Him their Humble Protestations of Fidelity and Obedience: an action, which, I am apt to believe was not a little contributive to their late Restitution in the wary State of *Venice*. In fine, every sort of Ecclesiasticks, as well the unihvited, as the invited came in, and profest their firm and positive resolution to obey the Commands of his Highnesse, notwithstanding the Interdict of his Holynesse.

And yet (to abstract from the Justice of the Quarrel, which was perhaps on the Popes side,) the Duke is not only a Feudatary of the Church, but his Estate was at first deriv'd to him from the Pope, and is to return again in default of Issue male, which makes a fair difference betwixt Him and the Case of an Absolute King.

But to look nearer home; what did we our selves not many years since in our own Country? did not almost all the Ecclesiasticks, and a number of the Nobility and Gentry, sufficient to represent the whole little Body of Catholicks here, after full deliberation unanimously subscribe their *Negative* to these three *Articles*?

I. *That the Pope or Church hath power to absolve any person or persons from their Obedience to the Civil and Politi-*

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cal Government eſtabliſh'd, or to be eſtabliſh'd in this Nation, in Civil and Political affairs.

II. *That by the Command or Diſpenſation of the Pope or Church, it is lawful to kill, deſtroy, or do any injury to any Perſon or Perſons living within the Kings Dominions, becauſe that ſuch a Perſon or Perſons are Accuſed, Condemned, Cenſured, or Excommunicated for Error, Schiſm, or Hereſy.*

III. *That it is lawful in it ſelf, or by Diſpenſation from the Pope, to break Promiſe or Oath, made to any of the foreſaid Perſons, under pretence that they are Hereticks.*

Theſe, I am ſorry I muſt confeſſe were Cenſured at *Rome*, privately indeed and without ſolemnity, as being perhaps either unwilling to come to the light, or unable to bear it; whatever was the motive, I cannot omit to make this Reflection upon ſo unequal a proceeding towards the proſperous *French*, and the afflicted *Engliſh*; what either of injurious or untrue, do any of theſe three Propoſitions contain, that is not both more largly, and more ſmartly expreſt in the Decrees of *Sorbonne*, and the reſt of the Univerſities cited at the beginning of this Letter? if they be free, why are not we? if we be condemn'd, why are not they?

At leaſt, this Roman Cenſure of the Engliſh Subſcription, wants not ſome good effect, ſince it has abſolutely clear'd the chief remaining Objection; which elſe, if captiouſly manag'd, might perhaps have given us ſome trouble to maintain our parallel with the French, for, till then, it had been no great piece of invention, to pretend that the Popes prohibitive Brief was applyable only to the whole Oath in groſs, and ſo might conſiſt well enough with the diſclaim of His indirect Authority over Kings; But now I ſee, 'tis not the Form, 'tis not an inconvenient Phraſe or two (the greateſt ſcruple of ſome ſerious Perſons among us here) but the very Subſtance

of the Oath, the growing denial of the Popes power to Depose Princes, is the chief, if not the only Scandal that's offensive there.

Nor is this kind of disobedience to the Popes Commands only in some Cases practis'd, but by the Common Maxime of the Canonists, and of Reason too, constantly maintain'd, both which step in to our relief in such extremities, and say, where any notable mischief is like to follow, we are not oblig'd to obey the Pope, though he command under pain of Excommunication, *ipso facto*. This is the common Opinion of the Learned; but, because 'tis too the common scruple of the unlearned, I shall cite some few Authorities transcrib'd out of books where I find them collected, having my self neither skill nor delight in such kind of Studies; Of these I conceive two or three, in a point so evident, abundantly sufficient; One is of Pope *Innocent* 3. thus cited by *Franc. Zabarel de schismat. Papa non est obediendum*, &c. *We are not to obey the Pope when there is a vehement presumption that the state of the Church may be disturb'd, or other mischiefs like to follow; Nay it were a sin to obey, because every one is bound to prevent future evils.* Conformable to this, *Sylvester* alleging *Panormitan*, says, *Verb. obedientia Num.* 5. *Nec est ei obedientium*, &c. *We are not to obey the Pope, if our obedience may be presumed will trouble the state of the Church, or be cause of any future Evil or Scandal, though the Precept were under pain of Excommunication*, Latæ sententiæ. And *Cardinal Tolet* citing the same Authors, pronounces the same truth in far more ample terms.

Do not these Authors (and none I suppose, for I have not much acquaintance with that sort of Learning, can differ from them in proper Cases) give us indeed more than we have need of? Are not the Consequences of our obeying the Pope's Letters, ruinous to our Fortunes; and which is worse, Scandalous to our Religion? shall we not strengthen the suspition of our Factiousnesse, and Inconsistency with Civil Government?

ment? and can a little Credit of a few at *Rome*, counterpoiſe a burthen that lies ſo heavy on us all, in our own Country.

The Circumſtances we are in, I confeſſe, are very unhappy, when the wiſeſt of thoſe who ſhould adviſe us, are not fully free to ſpeak their thoughts? but by particular Concernments ſo tempted to comply, that nothing but a rare Sincerity and Courage can enable them to reſiſt; a Caſe that needs indeed ſome pity, but deſerves no praiſe: and therefore as we ſhall be to blame, if we Cenſure too readily the Effects of Frailty in Them, ſo will they be leſs Innocent, if they Condemn too ſeverely the Uſe of Liberty in Us. For my part, I have this to ſay, in proof of my own Indifferency, I am not Ambitious for preferment from Any, but humbly and heartily acknowledge my ſubmiſſion to every one above me; eſpecially to the two Supreme, whom with all fidelity I am ready to obey, as my Soveragin Governors, though They never ſhould be my particular Benefactors.

A Duty we owe to the Pope, a Duty to the King; both commanded by God, both obliging under Sin; yet both confin'd to their proper limits; Too much of the Temporal may be aſcrib'd to Popes; too much of the Spiritual to Kings: too much may be challeng'd by Both: the difficulty is, when either exceeds, who muſt be Judge: if the cauſe be clearly Temporal, 'tis clearly the King (ſpeaking of Common Right, not their particular Agreements) if Spiritual, the Pope: but where the Quality of the cauſe is invincibly doubted, (which can ſeldome be without a ſtrange paſſion at leaſt on one ſide,) I know no Judge expreſly impower'd to decide ſo extraordinary a Queſtion, nor can imagin any other remedy, than what true Reaſon, preſs'd with neceſſity, will extemporally dictate in ſuch an occaſion. However, thus far I plainly ſee, that, as ſometimes a miſchance may happen by the Competition of theſe two Authorities, ſo often very many and great advantages may accrue to Both, by their good correſpondence, and mutual aſſiſtance.

But by no means can I see, were the Extent of the Popes power in Spirituals, and the Denyal of his power in Temporals well understood, what disturbance He could possibly make in this Kingdome? if he excommunicate the *Protestants*, they little regard it: if the *Catholicks*, such as are rightly instructed know their Civil Obligations both to their King and Fellow-subjects, remain entirely the same after Excommunication as they were before. No Ecclesiastical Censures against a *Catholick* here altering in the least tittle his Circumstances to *Protestants*; since of its own nature, it only concerns Communication in Spirituals, wherein, before any Censure they no more Communicate together, than after: indeed among the *Catholicks* such Censure has some effect; yet of it self, only thus far can it work with them, to suspend or deprive their Communion in Holy Offices; to which, if any Temporal prejudices be annex'd (as that an Excommunicate cannot bring an Action, &c.) they wholy are deriv'd from the Civil Power, and when it sees convenient may wholy be revok'd.

As for the particular Laws of our Country, long before the unhappy dividing times of *H.* 8. our Wise, yet Pious Auncestors fail'd not to provide for the publick peace against all Forein incroachments; prohibiting the importation of any *Bull* from *Rome* without his Majesties allowance, and imposing penalties on any that presum'd without His Royal Assent to publish them. And were things so dispos'd that the little correspondence which is necessary for Catholicks here with *Rome* were *regulated*, and not by severities endeavour'd to be *extinguish'd*, (which cannot be effected without extinguishing the Religion it self) I am confident no one sort of people in the whole Nation would be either more faithfully serviceable to their King, or more securely incapable of disserving their Country. Nor would this design require any more consideration than only to resolve that their Ecclesiastical Government should be no other than such as had known Rules & Limits, not Arbitrarily depending on *Rome*; And

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their Eccleſiaſtical Governours no other than ſuch as were of known Loyalty to their King, and Piety to their Country.

Thus Sir I have finiſh'd theſe few Queſtions; and hope by Your inſtruction to ſettle my mind: profeſſing heartily my abſolute readineſſe (with the Grace of God) to govern my Underſtanding by Reaſon, and my Actions by my Underſtanding: only this ſhort Petition I Humbly add, That as your Nature is Frank and Generous, your Anſwer may be Manly and Candid, not in the way miſcall'd *Pious*, but with a ſtrict Conformity to what is true and ſolid; and however your Opinion may poſſibly in ſome things differ from mine, yet ſtill continue in all things to Command

SIR,

Your Moſt

St. Georges Day,

Humble Servant

1661

A. G.

FINIS.

ERRATA.

PAge 3. Line 27. Dele. *for.* Page 4. Line 17. read *Depoſe.* And Line 25. read *Word of God.*